

Minutes of the Special Meeting of the

**STATE BOARD OF EDUCATION
2500 NORTH LINCOLN BOULEVARD
STATE BOARD ROOM, SUITE 1-20
OKLAHOMA CITY, OKLAHOMA**

November 12, 2020

The State Board of Education met in special session at 9:31a.m. on Thursday, November 12, 2020, by teleconferencing, videoconferencing and there were parties present at the Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105 Suite 1-20.

The following were present at the meeting site and remote locations:

Mr. Brad Clark, General Counsel, at meeting site via Zoom videoconference
Ms. Terrie Cheadle, Chief Executive Secretary, via Zoom videoconference

Member of the State Board of Education present at meeting site via Zoom videoconference:

State Superintendent Joy Hofmeister, Chairperson of the Board

Members of the State Board of Education present at remote locations via Zoom videoconference:

Mr. Brian Bobek, Oklahoma City
Mrs. Jennifer Monies, Oklahoma City
Mr. Barry "Kurt" Bollenbach, Kingfisher
Mrs. Estela Hernandez, Oklahoma City
Mrs. Carlisha Williams Bradley, Tulsa
Mr. William "Bill" Flanagan, Claremore

**CALL TO ORDER
AND
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education special meeting to order at 9:31 a.m. Ms. Cheadle called the roll and ascertained there was a quorum.

Superintendent Hofmeister welcomed everyone to the virtual meeting of the State Board of Education.

PUBLIC COMMENT

Individuals signed up to address concerns regarding the need for a statewide mask mandate for public schools included Joe Dorman, Oklahoma Institute for Child Advocacy that launched advertising Mask for Saving Kids (MASK) campaign and online petition for statewide mandate. Requested SBE reconsider a statewide school mandate.

Dr. Steven Crawford, Family Medicine and Co-Chair of Oklahoma Academy for Family Physicians-Legislative Committee, providing school district guidance in reopening schools safely. Requesting mask mandate knowing now it is important tactic to holding in person classes and positive affects in diminishing transmission that infect children.

Dr. Dwight Sublett, General Pediatric, Oklahoma Advocacy of Pediatric, without mask mandate concerned non symptomatic or mildly symptomatic infected children may spread coronavirus to other students, their families and all school personnel. Requested SBE to reconsider vote in order to reduce transmission and save lives along the way.

Dr. David Kendrick, Internal Medicine and Pediatrics operates MyHealth Access Network a health information exchange. Provided data charts revealing two month hospital admissions, positive COVID-19 tests upticks, from municipalities with and without mask mandate rates of cases comparisons. Requested SB reconsider mask mandate policy pursuant the data.

BOARD - ADMINISTRATIVE

**Update, discussion and possible action relating to COVID-19
response and operations 70 O.S. §§ 1-105 and 3-104**

Adrienne Rollins, Oklahoma State Health Department

Adrienne Rollins, Oklahoma State Health Department, reported on teacher COVID testing, test kits can be ordered, CLEA waiver; Dean Hupp contract for data testing; 15 minute test kits, positive test saliva kits for confirmation for PCR and sent to OSU lab; currently data test results positivity in state.

Kevin Hime, Lawton Public Schools

Kevin Hime, Lawton Public Schools, presented overview of the district's 2020-2021 Opening Schools Plan, focus on implementing distance learning and school year priorities

that included Night Virtual School for teachers and parents home, providing flexibility in platforms; Day virtual, 4500 students and all teachers housed together; Mask mandate for all campuses, teacher success; virtual meals services, library access; testing and tracing outcomes students are low, connect with Health Dept. and school head nurse collaborate, total wellness clinic; student choice for virtual or onsite, improved horizontal/vertical alignments using Ed Mentum; flexibility is key, some adverse effects switching platforms overwhelm councils, COVID changes every day; balance for teachers, counselors and Principals; district survey in July, TEAM Effort, parent input; alternative component options, accommodating teachers w/health issues and teacher shortage.

Resolution - Approved

Superintendent Hofmeister said the health department reported a steady rise in COVID-19 cases and hospitalizations, Governor Stitt has stated the trajectory is not sustainable and impacting schools to remain open and virtual instruction is challenging, and pediatric COVID-19 cases age 5-17 have increased. In July 2020 the State Board of Education approved a set of recommended safety protocols for Oklahoma School Districts. I have support a school statewide mask requirement in which, I believe, we all understand the gravity of the crisis at hand. Many school districts have implemented mask requirements. The latest White House Coronavirus Taskforce recommends Oklahoma “in accordance with CDC guidelines mask must be worn by students and teachers in K-12 schools.” I believe the State Board of Education want all districts to take the necessary precautions to mitigate the spread of the virus so schools can operate and Oklahomans can be protected.

Superintendent Hofmeister presented a Resolution for board member consideration as read:

State Board of Education Resolution - November 12, 2020

The Oklahoma State Board of Education has serious concerns about the current surge in COVID-19 cases, with more than 4,500 new cases recently reported out on a single day, including 608 adolescents. The escalation of COVID hospitalizations (1,248 as of Nov. 11, 2020) and patients in intensive care is startling and has adverse implications for Oklahoma healthcare statewide. The health and safety of students and school personnel remain a pressing priority. The sharp increase in viral transmission is particularly alarming as public schools struggle to continue offering needed in-person instruction and providing critical services to children.

Therefore, the State Board of Education implores Oklahoma school boards and district superintendents to require students and staff to wear face masks on public school campuses and within district vehicles, and especially when in classrooms or other large gatherings. Public health experts agree that mask-wearing and social distancing are the most effective ways to mitigate this viral spread, which in turn would alleviate stress on Oklahoma’s healthcare system, help keep schools open and protect the well-being of Oklahomans.

Board members discussed and asked questions regarding Resolution stating correct single day number of new cases; Resolution vote necessity reemphasizing recommendation; expired July 2020 SBE approved safety protocol recommendations; restating recommendation emphasis to local control/communities; reinforcing safety policy encouraged and tracing importance/beneficial.

Board member Bollenbach motioned to approve the Resolution to restate the July 2020 protocol recommendations expiring September 30. Board member Flanagan seconded the motion. The motion carried with following votes: Ms. Williams Bradley, no; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Minutes of the September 24, 2020 Special
State Board of Education meeting - Approved**

Board member Williams Bradley motioned to approve the September 24, 2020, State Board of Education special meeting minutes. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Minutes of the October 12, 2020
Special State Board of Education - Approved**

Board member Monies motioned to approve the October 12, 2020, State Board of Education special meeting minutes. Board member Hernandez seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, abstain; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

**Proposed 2021 State Board of Education
regular meeting dates – Approved**

Board member Bobek motioned to approve the 2021 SBE meeting dates. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

STATE SUPERINTENDENT

Information from the State Superintendent

**Recognition of Department Employee for the Month of November –
Renee' McWaters, Executive Director, State Aid**

Superintendent Hofmeister recognized Renee' McWaters, Executive Director, State Aid, as the November employee for the month of November.

**Recognition of Department Employees
for the years of service to the state of Oklahoma**

Superintendent Hofmeister recognized employees for years of service to the state of Oklahoma that included: Lori Goldizen, Resource Coordinator, SoonerStart-35 years; Valerie Judy, Coordinator I, Accreditation-30 years; and Carole Tomlin, Finance Specialist, Special Education Services-25 years.

Superintendent Hofmeister congratulated and thanked everyone for their service announced. She announced Tiffany Neill, Deputy Superintendent of Curriculum and Instruction was named to a post on the National Academies of Science Engineering and Medicine a STEM education advisory panel. A national panel of experts who encourage U.S. scientific and technological innovations in education.

Superintendent Hofmeister said the 2021 Teacher of the Year finalists (TOY) were released in October and the 12 educators include Melanie Ball, Guthrie Public Schools; Ginger Billman, Stillwater Public Schools; Valerie Brink, Bethany Public Schools, Lisa Dixon, Broken Arrow Public Schools; Jessica Esbach, Norman Public Schools; Natalie Haworth, Durant Public Schools, Amy Leonards, Piedmont Public Schools; Michael Patterson, Norman Public School District; Carrie Smith, Yukon Public School District; Krista Starbuck, Alva Public Schools District; Stephynne Terrie, Mid-Del Public School District; and Lori Zimmerman, Woodward Public School District. The 2021 TOY will be announced in February 2021.

CONSENT DOCKET – Approved

Discussion and possible action on the following deregulation applications, statutory Waivers, and exemptions for the 2020-2021 school year – 70 O.S. § 3-104; OAC 210: 35-1-4:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46**
Keota Public Schools, Haskell County
Valliant Public Schools, McCurtain County
Okemah Public Schools, Okfuskee County

Years

Hollis Public Schools, Harmon County
Kinta Public Schools, Haskell County
Stigler Public Schools, Haskell County
Perry Public Schools, Noble County
Skiatook Public Schools, Tulsa County
Sperry Public Schools, Tulsa County

- (b) **Cooperative Agreements for Alternative Education Programs – 70 O.S. § 1210.568**

OCTOBER

Cave Springs Public Schools, Adair County
Peavine Public Schools, Adair County
Burlington Public Schools, Alfalfa County
Drumright Public Schools, Creek County
Oilton Public Schools, Creek County
Tuttle Public Schools, Grady County
McCurtain Public Schools, Haskell County
Preston Public Schools, Okmulgee County
Hammon Public Schools, Rogers Mill County
Verdigris Public Schools, Rogers County
Justice Public Schools, Seminole County
Central High Schools, Stephens County
Waynoka Public Schools, Woods County

3 Years

Bishop Public Schools, Comanche County
Kinta Public Schools, Haskell County
Peckman Public Schools, Kay County
Red Oak Public Schools, Latimer County
Whiteboro Public Schools, LeFlore County
Billings Public Schools, Noble County

NOVEMBER

Piedmont Public Schools, Canadian County
Morrison Public Schools, Noble County
Mooreland Public Schools, Woodward County

3 Years

Flower Mound Public Schools, Comanche County
Arkoma Public Schools, LeFlore County
Billings Public Schools, Noble County

(c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**

(1) **SEPTEMBER**

Maryetta Public Schools, Adair County
Forgan Public Schools, Beaver County
Anadarko Public Schools, Caddo County
Norman Public Schools, Cleveland County
(Dimensions Academy)
Norman Public Schools, Cleveland County
(Various Schools)
Pauls Valley Public Schools, Garvin County
Duke Public Schools, Jackson County
Tishomingo Public Schools, Johnston County
Howe Public Schools, LeFlore County
Wellston Public Schools, Lincoln County
Greenville Public Schools, Love County
Purecell Public Schools, McClain County
Forest Grove Public Schools, McCurtain County
Porum Public Schools, Muskogee County
Paden Public Schools, Okfuskee County
Crutchcho Public Schools, Oklahoma County
Harrah Public Schools, Oklahoma County
(Russell Babb ES, Clara Reynolds ES, Virginia Smith ES)
Harrah Public Schools, Oklahoma County
(Middle and High School)
Morris Public Schools, Okmulgee County
Catoosa Public Schools, Rogers County
Grandfield Public Schools, Tillman County

3 Years

Elk City Public Schools, Beckham County
Sayre Public Schools, Beckham County
Lowrey Public Schools, Cherokee County
Shady Grove Public Schools, Cherokee County

Boswell Public Schools, Choctaw County
Bishop Public Schools, Comanche County
Deer Creek-Lamont Public Schools, Grant County
Hilldale Public Schools, Muskogee County
Okmulgee Public Schools, Okmulgee County
Schulter Public Schools, Okmulgee County
Hominy Public Schools, Osage County
McCord Public Schools, Osage County
Maud Public Schools, Pottawatomie County
Antlers Public Schools, Pushmataha County
Seminole Public Schools, Seminole County
Union Public Schools, Tulsa County

(Elementary Sites)

Union Public Schools, Tulsa County

(Middle School and High School sites)

(2) **OCTOBER**

Lexington Public Schools, Cleveland County
Tupelo Public Schools, Coal County
Drumright Public Schools, Creek County
Weatherford Public Schools, Custer County
Drummond Public Schools, Garfield County
Chickasha Public Schools, Grady County
Ninnekah Public Schools, Grady County
Tuttle Public Schools, Grady County
Lakeside Public Schools, Greer County
McCurtain Public Schools, Haskell County
Agra Public Schools, Lincoln County
Mason Public Schools, Okfuskee County
Jones Public Schools, Oklahoma County
Woodland Public Schools, Osage County
Turkey Ford Public Schools, Ottawa County
Ripley Public Schools, Payne County
Vanoss Public Schools, Pontotoc County
Catoosa Public Schools, Rogers County
Foyil Public Schools, Rogers County
Oologah-Talala Public Schools, Rogers County
Roland Public Schools, Sequoyah County
Broken Arrow Public Schools, Tulsa County
Glenpool Public Schools, Tulsa County

3 Years

Okeene Public Schools, Blaine County
Norwood Public Schools, Cherokee County
Peggs Public Schools, Cherokee County
Hugo Public Schools, Choctaw County
Chickasha Public Schools, Grady County
Hollis Public Schools, Harmon County
Whitefield Public Schools, Haskell County
Calvin Public Schools, Hughes County
Ponca City Public Schools, Kay County
White Rock Public Schools, Lincoln County

Eufaula Public Schools, McIntosh County
Wainwright Public Schools, Muskogee County
Morrison Public Schools, Noble County
Pawhuska Public Schools, Osage County
Glencoe Public Schools, Payne County
Earlsboro Public Schools, Pottawatomie County
Macomb Public Schools, Pottawatomie County
Butner Public Schools, Seminole County
Owasso Public Schools, Tulsa County

Library Media Services – OAC 210:35-5-71 and 210:35-9-71

(3) **NOVEMBER**

Ringwood Public Schools, Major County
Allen Public Schools, Pontotoc County
Brushy Public Schools, Sequoyah County

3 Years

Alex Public Schools, Grady County
Waurika Public Schools, Jefferson County
Frontier Public Schools, Noble County
Barnsdall Public Schools, Osage County
Yale Public schools, Payne County
Stonewall Public Schools, Pontotoc County

Library Media Specialist – 70 O.S. § 3-126

Sulphur Public Schools, Murray County
Oklahoma City Public Schools, Oklahoma County
(Rogers ES)
Oologah-Talala Public Schools, Rogers County

3 Years

Oklahoma School for the Blind, Muskogee County
Tulsa Public Schools, Tulsa County
(All Sites with Attachment)

(d) **Library Media Specialist – 70 O.S. § 3-126**

Sulphur Public Schools, Murray County
Oklahoma City Public Schools, Oklahoma County
(Rogers ES)
Oologah-Talala Public Schools, Rogers County

3 Years

Oklahoma School for the Blind, Muskogee County
Tulsa Public Schools, Tulsa County
(All Sites with Attachment)

(e) Request approval on exceptions to State Board of Education teacher certification regulations to permit issuance of emergency (provisional) certificates - **70 O.S. § 6-187**

(f) Request approval on exception to alternative certification requirements – 70 O.S. § 6-122.3

- (g) Request approval on flexibility to use textbook funds – **70 O.S. 16-114a(B)**
OCTOBER
Mid-Del Public Schools, Oklahoma County
Bethel Public Schools, Pottawatomie County
Owasso Public Schools, Tulsa County

NOVEMBER
Edmond Public Schools
Woodward Public Schools

Brad Clark, General Counsel, advised members Joe Breeden requested removal from the alternative certification consideration and possible action on **Consent Docket 5. (f)**.

Board members discussed and asked questions regarding textbook flexibility, CARES Act fund uses/flexibility, exemption waiver application requests, alternative certification review, rule, determinations and board approved exemption distinctions.

Board member Bobek moved to approve the Consent Docket with the exception of Joe Breeden exception request removal. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

ACCOUNTABILITY & ASSESSMENT

2021-21 Oklahoma School Testing Program (OSTP) assessment calendar - Approved

Christina McCreary, Executive Director, State Assessments presented a requested scheduling flexibility to expand to the annual April 6-May 24 testing window for the 2020-2021 school year due to COVID-19. The annual spring early testing window will extend from March 6 to May 24; allow vendor flexibility options for districts, teachers to adapt and adjust for children in different instructional modalities, schools to plans and provide safer environment.

Board member Bobek moved to approve the request to modify the 2020-2021 school year OSTP testing window. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister called for a recess at 11:19 a.m. and reconvened at 11:31 a.m.)

INSTRUCTION

Withhold Gifted and Talented funding for FY21 due to delinquent reports - Approved

Levi Patrick, Assistant Deputy Superintendent, Curriculum & Instruction, presented a request to withhold FY 21 allocations for 12 school districts who were non compliant in reporting FY21 fiscal year expenditure reports by the May 31st deadline. Delinquent school districts include Bokoshe, Cherokee Immersion Charter School, Darlington, Empire, Hanna, Konawa, Oilton, Riverside, Thackerville Wainwright, and Woodland Public School Districts. School districts were allocated \$160,000 of the 2019 \$54 million dollars allocation funds for gifted and talented. Remaining unaccounted funds will be redistributed across all other school districts.

Board member Bollenbach moved to approve the request to withhold Gifted and Talented FY21 allocations. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

FEDERAL PROGRAMS & FINANCE

Payment of federal program claims - Approved

Monty Guthrie, Deputy Superintendent presented school district federal program claim requests that included CARES Act federal funding – Deer Creek-Lamont Public Schools, Marietta Public Schools; and **School Improvement (Project 515)** - Waurika Public schools

Board member Flanagan moved to approve the federal program claims request Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

One-time FY2021 Severance Allowance Payment to former employees of Greasy and Keyes Public School District, which were not employed or paid severance by the receiving district. The annexations occurred in FY2020 – Approved

Mr. Guthrie presented a recommendation request to provide a one-time FY 2021 severance allowance payment to former employees of Greasy and Keyes Public School Districts. The school districts voluntarily annexed during FY 2020 and former employees not hired for FY2021 or paid severance by the receiving district applied for the severance allowance. Title 70 § 7-203C enables former employees to request approval for the severance payment, totaling \$269,937, from the FY 2021 Consolidation Assistance Fund.

Board member Flanagan moved to approve the severance allowance payment request. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

LEGAL SERVICES/STATE BOARD OF EDUCATION OFFICE

**Altus Christian Academy Lindsey Nicole Henry
Scholarships for Students
with Disabilities program – Approved**

**Christian Heritage Academy Lindsey Nicole Henry
Scholarships for Students
with Disabilities program - Tabled**

Mr. Clark advised the Board that the Lindsey Nicole Henry (LNH) Act, which became law in 2010, established a means by which students with disabilities may apply for and obtain a scholarship to attend a participating private school of their choice.

A private school's eligibility to participate in the scholarship program depends on whether the private school satisfies certain criteria, as set out in 70 O.S. § 13-101.2(H) and the administrative rules relating to the scholarship program.

Prior to inclusion in the program the "OSDE" must first determine, among other things, that the private school complies with the antidiscrimination provisions of 42 U.S.C. § 2000d. In the fall of 2018, OSDE initiated the formal process to amend the Lindsey Nicole Henry Scholarship Program administrative regulations under the Administrative Procedures Act, to incorporate updates including the nondiscrimination requirements referenced in 42 U.S.C. § 2000d and set forth in Executive Order 13160. This rule went through the administrative procedures as required and was approved by the Legislature in HJR 1022 (2019), following publication in the *Oklahoma Register* as required by the APA, was effective as of July 25, 2019.

Specific to the applications before the SBE today and because questions have recently arisen relating to the scholarship program administrative regulations, a brief overview is in order. Christian Heritage Academy submitted an LNH application to participate as a private school in the LNH program. This application appeared on the June 26, 2019 SBE agenda. Because of the effectiveness of the rules and the application did not include the requirements for nondiscrimination, the request was tabled. Christian Heritage Academy submitted a request for the September 2020 SBE agenda as did Altus Christian Academy. The recommendation to the SBE was not to approve both applications due to the applicants' policies, as part of the application, were not compliant with the requirements of the administrative rules.

Subsequent to the September 2020 decision, Altus Christian Academy supplied an affidavit to incorporate the reasons for nondiscrimination to extend to those reasons in the Administrative Code and approval is recommended.

Christian Heritage Academy has not updated their nondiscrimination policies in accordance with the requirements of the administrative regulations. As such, OSDE recommends denial of the application.

The OSDE recommends approval of the Altus Christian Academy application, denial of the Christian Heritage Academy application and to request an Attorney General (AG) opinion regarding the administrative rules adopted through the Oklahoma

Administrative Procedures Act (APA). Additional information relating to the reasons for the request was had, and APA is available through the audio of the meeting.

Lori Murphy, Assistant General Counsel, Legal Services-State Department of Education (SDE) administrative rules liaison, confirmed the SDE complied with the APA Act and counseled that by statutory law the rule is legally valid and extends SBE authority to enforce the adopted rule.

Board members discussed and asked questions regarding validity of administrative promulgated rules and 75 O.S. § 308.2; discussion with other parties, including Governor's Office, AG feedback and SDE recommendation; SBE authority, rule compliance, adoption, enforcement and change process; and timeline and effect of AG opinion.

Board member Bobek moved to approve the Altus Christian Academy LNH request. Board member Bollenbach seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Board member Bollenbach moved to table the Christian Heritage Academy LNH request. Board member Williams Bradley seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

Board member Bollenbach moved for Legal Counsel to request an Attorney General written opinion, as recommended and discussed. Board member Flanagan seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister called for a recess at 12:23 p.m. and reconvened at 12:47 p.m.)

Report by Sovereign Community School accreditation, audit, finance, operations and governance of the school - Approved

Mr. Clark presented overview and summary that included SCS charter school application appeal and SBE approval; SCS 2018-2020 timeline of noncompliant activity; failed governance, financial obligations/inconsistencies, statutory requirements and obligations; SBE duties and actions, SDE-SBE accrediting duties, requirements, state law and Administrative Code compliance, statutory accrediting categories and requirements; SDE accrediting recommending change status to probation and a school corrective action timeline.

Sovereign Community School representatives included Matt Wilson, Superintendent, Stacy Thrasher, Finance/Encumbrance Clerk, and Kate Sultuska, SCS Board President. Also present Chris Brewster, Superintendent, representing Santa Fe South.

Mr. Wilson, Ms. Thrasher, and Ms. Sultuska presented overview, updates and response to SDE checklist included delayed required financial reporting, audit schedule deadlines, decreased enrollment, effects of COVID-19 pandemic and ice storm, employee and staff cuts; SDE/SBE required documents, late submissions, schedules, non-compliances,

email timelines and requests; SDE accrediting recommendation, SCS administrative needs, structure, November deadline submission of required school audit.

Chris Brewster said SCS has good committed professionals whose work and labor are of passion and commitment. The weight of reporting, auditing, accreditation, and reporting, can be massive for people who are not familiar. There are no departments, institutional history, established protocol management, basic understanding nor one knowledgeable in charter school management. Mr. Brewster recommended charter school start up support teams and offered SCS assistance anytime.

Board members asked questions and discussed missed report filings, accountability, student education/services, success strategies, loan term and extension, minimal staffing, TRS debt/ penalty, school encumbrances; SCS access school resources/trainings, capacity building support, partnerships; SDE trainings/courses for charter schools, governing boards, first-year superintendent

Board member Williams Bradley moved to accept the probation status recommendation for the duration of the school year until these things are rectified and the SBE can take action at that time. Board member Bobek second the motion.

Board members requested clear plan of action and reporting timelines to include legal council's recommended list to submit semi-monthly reports every two weeks; SDE representative to be present, along with Santa Fee South Development Corp and any other organization in support; certified financials include cash flow statement, reconciled bank account, income statement, balance sheet, current balance sheet on the 5th day of month.

Board member Williams Bradley moved to amend the probation status recommendation to include the expectations and guidelines Mr. Clark has provided as next steps for probation.

Board member Bobek seconded the amended motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Hernandez, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

(Superintendent Hofmeister called for a recess at 2:22 p.m. and reconvened at 2:34 p.m.)

Report by Oologah-Talala Public Schools operations, governance, accreditation and quarterly report as required at the June 25, 2020 State Board of Education Meeting

Mr. Clark said Oologah-Talala representatives are presenting quarterly report and update as required by the SBE June 25, 2020 terms and conditions of the probationary status that include Matt Cyran, Legal Counsel; Tom Sappington, Assistant Superintendent; Don Tice, Board President; and Zach Baron, Board member.

Representatives discussed and highlighted nine (9) SBE Title IX directives, update, hiring changes, documented compliance action, local board approved policies; updated student handbook and student rights information materials/resources; OSSBA certified trainings, board member Title IX and XXVIII employee misconduct/administrative response, employment and background checks; parent and law enforcement notifications and timelines, investigations/updates and trauma trainings.

Mr. Bobek complimented school district on progress accomplished, and required February 21, 2021 quarterly report to include hiring updates, community support engagement, Title IX trainings and completed board members training; and a directive to submit proof of Title IX certificate of training to SDE Chief Deputy Superintendent of Public Instruction.

No action was taken on this item.

**Report by Epic Charter Schools (One-on-One and/or Epic Blended),
including Special Investigative Audit, accreditation, finance,
operations and governance of schools**

Mr. Clark presented an overview and timeline of historical and current matters relating to the agenda item.

Presentation included the following;

- 1) SDE October 20 demand letter;
- 2) OCAS system income and expenditure coding, Charter School Act OCAS fiscal year requirements and prohibitions;
- 3) Epic's 2016 , 2017, 2018 OCAS report submissions, errors and response;
- 4) SDE state and federal program allocations, fund qualifiers and reporting violations, and penalties;
- 5) Epic nonresponse to SDE review, guidance, providing documents, personnel reporting inconsistency;
- 6) noncompliance of state/federal programs, including those relating to homeless children and youth English Learners, low-income and economically disadvantaged, and student with disabilities; and
- 7) SDE recommendation to amend accrediting status to probation.

Board members asked questions and discussed 2016-2018 historical reporting issues, 2015 rule change, EPIC 2016 rule interpretation: SDE monitoring and (400) edit checks, Epic pattern and practice to refuse and/or not respond to guidance, consistent use of inaccurate OCAS codes for state/federal reporting, and SDE oversight and audit program reviews; federal program non-compliance and SBE consideration accrediting change of probation with warning.

Epic Charter School representative included Bill Hickman, Legal Counsel and Doug Scott, Board President, Community Strategies, Inc. and presented response and discussion on meeting with Bart Banfield, Epic Charter School Superintendent; State Auditor corrective action to Community Strategies Board, follow up open record request, Epic One-on-One Resolution; hired internal auditor Linda Ladd to review audit reoccurring errors, findings and supporting evidence; Flexible Benefit Allowances, SDE FY18-19 audits, blended retirement solutions, governing board hold multiple charters with E.I.N; federal programs FY 20 monitoring, findings, compliance, audit response areas, hired new Superintendent of Compliance; and corrective action plan meeting with SDE.

(Superintendent Hofmeister called for a recess at 5:27 p.m. and reconvened at 5:42 p.m.)

Board members continued questions and discussion concerns providing corrective actions list, probation and warning accrediting status, board level of expectations/operations. Board members asked questions and discussed with Epic representatives providing

information to the SDE identified, including that relating to OCAS and management fees invoices and supporting documentation.

Board member Bollenbach moved to change Epic Charter School's accreditation status from fully accredited to accredited with warning and provide list by legal counsel delivered to Epic as deficiencies need to be corrected.

Board member Williams Bradley second.

Board member Bollenbach clarified the term fully accredited was incorrect and should be accredited with no deficiencies.

Board member Hernandez requested members to provide consistency and reconsider motion.

Board member Bollenbach tabled the motion.

Board members agreed Epic Charter School is to respond to SDE's identified areas and issues, and be prepared to report at the December 17, 2020, SBE to address deficiencies and non-compliance.

ADJOURNMENT

Board member Bobek moved to adjourn the meeting at 7:17 p.m. Board member Monies seconded the motion. The motion carried with the following votes: Ms. Williams Bradley, yes; Mr. Bollenbach, yes; Mr. Flanagan, yes; Ms. Monies, yes; Mr. Bobek, yes; and Superintendent Hofmeister, yes.

The next regular meeting of the State Board of Education will be held on Thursday, December 17, 2020, at 1:00 p.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Joy Hofmeister, Chairperson of the Board

Terrie Cheadle, Chief Executive Secretary